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ARMSTRONG TEASDALE LLP

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UNITED STATES PATENT AND TRADEMARK OFFICE

Date: September 2, 2005

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Mail Stop: Petitions

: RE: U.S. Patent Application

: Serial No.: 09/758,611

Fax: (571) 273-8300

: Applicant: Todd V. Graves, et al.

From: Patrick W. Rasche

: Atty. Dkt. No.: 9DRG-19587

OFFICE OF PETITIONS

DOCUMENTS SUBMITTED WITH TRANSMISSION:

Petition to Withdraw the Holding of Abandonment (3 pgs.); Copy of Originally Filed Issue Fee Transmittal (1 pg.); Copy of Facsimile Transmission Report for Request for Correction of Notice of Allowance (1 pg.); Copy of Originally filed Certificate of Facsimile Transmission for Request for Correction of Notice of Allowance (1 pg.); Copy of Originally filed Request for Correction of Notice of Allowance (1 pg.); Copy of the Originally filed Certificate of Express Mail dated September 23, 2004 (1 pg.); Copy of the Date Stamped Return Receipt Postcard dated September 23, 2004 (1 pg.); Copy of Armstrong Teasdales' Deposit Account Statement from September, 2004 (9 pgs.); Statement Attesting of Timely Transmission of Payment of Issue and Publication Fees (1 pg., of Patrick W. Rasche); & Certificate of Facsimile Transmission (1 pg.)

Total pages including cover page: 21

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RE: The above referenced U.S. Patent Application

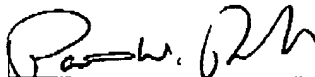
Title: SPEEDCOOKING OVEN INCLUDING CONVECTION / BAKE MODE AND MICROWAVE HEATING

Filed: January 11, 2001

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that these papers are being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile Number (571) 273-8300 on the date shown below.

Date: September 2, 2005



Patrick W. Rasche, Reg. No.: 37,916

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9DRG-19587
PATENT

Via Facsimile: (571) 273-8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Todd Vincent Graves, et al.

Serial No.: 09/758,611

Filed: January 11, 2001

For: SPEEDCOOKING OVEN INCLUDING
CONVECTION / BAKE MODE AND
MICROWAVE HEATING

Art Unit: 3742

Examiner: Philip H. Leung

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OFFICE OF PETITIONS

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Pursuant to 37 C.F.R. § 1.181(a), and MPEP 711.03(b), Applicants hereby petition to Withdraw the Holding of Abandonment in the above-referenced Utility Patent Application for failure to timely pay the required issue fee and publication fee. Specifically, a Notice of Abandonment was issued by the U.S. Patent and Trademark Office ("USPTO") on July 22, 2005. Based on this Notice, the application was abandoned because of Applicants' purported failure to pay the issue fee and publication fee as required by the Corrected Notice of Allowance mailed March 02, 2005 which was a correction from the Original Notice of Allowance mailed June 23, 2004.

The statutory response deadline for the Original Notice of Allowance was on, or before, September 23, 2004. Applicants respectfully submit that a response to the Original Notice of Allowance (6 pgs.; consisting of: Issue Fee Transmittal: 1 pg.; Copy of Transmission Report of Request for Correction of Notice of Allowance: 1 pg.; Copy of Certificate of Facsimile Transmission of Request for Correction of Notice of Allowance: 1 pg.; Request for Correction of Notice of Allowance: 1 pg.; Copy of Notice of Allowance: 1 pg.; and Certificate of Express Mail dated September 23, 2004: 1 pg.) was filed and the issue fee and publication fee were timely paid on Thursday September 23, 2004. A copy of our

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**9DRG-19587
PATENT**

Deposit Account Statement is submitted herewith and indicates an issue fee withdrawal for \$1330.00 and a publication fee withdrawal for \$300.00 on Monday, September 27, 2004.

Furthermore, a Corrected Notice of Allowance was mailed on March 02, 2005 indicating that the incorrect TITLE recited in Original Notice of Allowance had been corrected. Additionally, the Corrected Notice of Allowance recited an additional issue fee was due of \$70.00. Applicants submit that the additional fee request is in error. The correct filing fee was paid on September 23, 2004 and no additional fee was due for the correction, since the TITLE was amended by the applicants in an Amendment dated July 23, 2003. The issue fee amount of \$1330.00 was the correct filing fee at the time of submission and should not have been affected by the fee increase on December 8, 2004.

Finally, the Applicants provided for the possibility of the USPTO requiring additional funds. Specifically, the Applicants response to the Original Notice of Allowance dated September 23, 2004 authorized the Director to charge the required fee(s) from the Applicants deposit account by checking the box authorizing the Director permission to withdrawal an additional \$70.00, and thus preventing the application from ever becoming abandoned due to insufficient fee payment.

Submitted herewith are:

1. A copy of the originally filed Issue Fee Transmittal (1 page) authorizing the Director to charge the required fee(s) to a deposit account.
2. A copy of the of Facsimile Transmission Report for the Request for Correction of Notice of Allowance (1 page).
3. A copy of the originally filed Certificate of Facsimile Transmission of Request for Correction of Notice of Allowance (1 page).
4. A copy of the originally filed Request for Correction of Notice of Allowance (1 page).
5. A copy of the originally filed Certificate of Express Mail dated September 23, 2004 (1 page).
6. A copy of the date stamped return receipt postcard from OIPE dated September 23, 2004 (1 page).

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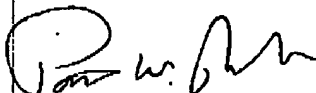
7. A copy of the USPTO Deposit Account Statement confirming withdrawal of the issue and publication fees on Friday, September 27, 2004 from the Armstrong Teasdale deposit account by the USPTO (9 pages).

8. A statement attesting by personal knowledge of the timely transmission of payment of the issue and publication Fees (1 page).

Applicants respectfully submit that the above submissions are evidence of Applicants' timely payment of the required issue fee and publication fee to the Notice of Allowance dated June 23, 2004. Therefore, Applicants respectfully requests that the holding of abandonment be withdrawn.

Applicant believes that no fee is due for this petition under 37 C.F.R. § 1.181(a). If a fee is due, then the Commissioner is hereby authorized to charge the correct fee to Deposit Account No. 01-2384.

Respectfully submitted,



Patrick W. Rasche
Registration No. 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

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SEP 02 2005

Applicant: Todd Vincent Graves, et al.

Art Unit: 3742

Serial No.: 09/758,611

Examiner: Philip H. Leung

Filed: January 11, 2001

For: **SPEEDCOOKING OVEN INCLUDING
CONVECTION / BAKE MODE AND
MICROWAVE HEATING**

STATEMENT UNDER 37 C.F.R. §1.8(b)(3)

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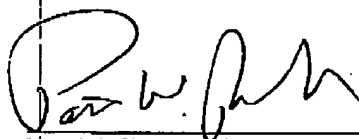
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Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. 1.8(b)(3) the undersigned attests to his having personal knowledge that an issue fee and a publication fee were timely paid in response to a Notice of Allowance dated September 23, 2004. The response was mailed using Express Mail Label NO.: EV504791073US and dated September 23, 2004.

Respectfully Submitted,



Patrick W. Rasche
Registration No. 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

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 UNITED STATES PATENT AND TRADEMARK OFFICE**

Date: September 23, 2004

Examiner: *Phillip H. Leung*
 Art Unit: 3742
 Fax: (703) 872-9306
 From: *Thomas M. Fisher*

: *RE: U.S. Patent Application*
 : *Serial No.: 09/758,611*
 : *Applicant: Todd V. Graves, et al.*
 : *Atty. Dkt. No.: 9D-RG-19587*

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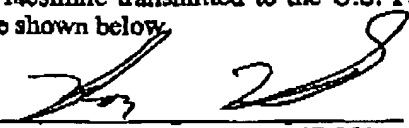
*Request for Correction of Notice of Allowance and Fee(s) Due (1 pg.); Copy of Notice of
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RE: *The above referenced U.S. Patent Application*Title: *SPEEDCOOKING OVEN INCLUDING CONVECTION / BAKE MODE AND MICROWAVE HEATING*Filed: *January 11, 2001***CERTIFICATE OF FACSIMILE TRANSMISSION**

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 Office, Facsimile Number (703) 872-9306 on the date shown below.

Date: September 23, 2004

 Thomas M. Fisher, Reg. No.: 47,564

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Date: September 23, 2004

Examiner: **Philip H. Leung**
Art Unit: **3742**
Fax: **(703) 872-9306**
From: **Thomas M. Fisher**

RE: **U.S. Patent Application**
Serial No.: **09/758,611**
Applicant: **Todd V. Graves, et al.**
Atty. Dkt. No.: **9D-RG-19587**

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Notice of Allowance and Fee(s) Due (1 pg.); Certificate of Transmission via Facsimile (1 pg)**

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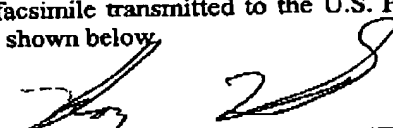
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RE: **The above referenced U.S. Patent Application**
Title: **SPEEDCOOKING OVEN INCLUDING CONVECTION / BAKE MODE AND MICROWAVE
HEATING**
Filed: **January 11, 2001**

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